

2015 DRAFTING REQUEST

Bill

Received: 9/1/2015 Received By: emueller
For: Richard Gudex (608) 266-5300 Same as LRB: -3910
May Contact: By/Representing: Lance
Subject: Transportation - other Drafter: emueller
Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Sen.Gudex@legis.wisconsin.gov
Carbon copy (CC) to: eric.mueller@legis.wisconsin.gov
zachary.wyatt@legis.wisconsin.gov
aaron.gary@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Prohibit drones over prisons; local regulation of drones

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	emueller 9/15/2015		_____			
/P1	emueller 9/23/2015	jdye 9/16/2015	_____	mbarman 9/16/2015		
/P2	emueller	jdye	_____	mbarman		Local

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	10/29/2015	9/24/2015	_____	9/24/2015		
/1	emueller 11/6/2015	anienaja 10/29/2015	_____	lparisi 10/29/2015		Local
/2		anienaja 11/6/2015	_____	sbasford 11/6/2015		State S&L
/3	emueller 12/2/2015	anienaja 11/13/2015	_____	sbasford 11/13/2015		State S&L
/4	emueller 12/4/2015	jdyer 12/4/2015	_____	mbarman 12/3/2015	mbarman 12/3/2015	State S&L
/5			_____	sbasford 12/4/2015	sbasford 12/7/2015	State S&L

FE Sent For:



At Intro.

<END>

Mueller, Eric

From: Hurley, Peggy
Sent: Monday, August 31, 2015 11:36 AM
To: Mueller, Eric; Wyatt, Zachary; Gary, Aaron
Subject: Drones!

Hi all,

I just spoke with Lance in Senator Gudex's office. He would like to allow local units of government, or perhaps the state, to designate certain "no fly" zones for drones. His particular concern was restricting flying a zone over or around a prison, but he would also like to see local units of government be able to set up "no fly" zones over, for example, schools or be able to make it illegal to fly a drone so low that it interferes with public safety.

I've drafted some limits on drones before, but none of the drafts I've done (I'm also doing a drone-related crime penalty enhancer for this office) are particularly applicable to this request. Is it an air transportation issue, a local government issue, a crime against public safety issue? What do y'all think?

Peggy

Peggy Hurley
Legislative Reference Bureau
608 266 8906



(D Note)
State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-3113/P1

EVM: *jld*

Rmk

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

(9/16/15)

4

gen

1 AN ACT ...; relating to: authority of political subdivisions to designate areas in
2 which unmanned aircraft may not be operated. ✓

✓ ***Analysis by the Legislative Reference Bureau***
This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 SECTION 1. 114.04^x of the statutes is amended to read:
4 **114.04 Flying and landing, limitations.** Subject to s. ss. 114.105 (3) and
5 175.55, and except as provided in s. 942.10, flight of or in aircraft or spacecraft over
6 the lands and waters of this state is lawful, unless at such a low altitude as to
7 interfere with the then existing use to which the land or water, or the space over the
8 land or water, is put by the owner, or unless so conducted as to be imminently
9 dangerous or damaging to persons or property lawfully on the land or water beneath.

SECTION 1

1 The landing of an aircraft or spacecraft on the lands or waters of another, without
 2 the person's consent, is unlawful, except in the case of a forced landing. For damages
 3 caused by a forced landing, however, the owner or lessee of the aircraft or spacecraft
 4 or the aeronaut or astronaut shall be liable, as provided in s. 114.05.

History: 1993 a. 492; 2005 a. 335; 2013 a. 213.

5 **SECTION 2.** 114.105 of the statutes is renumbered 114.105 (2) and amended to
 6 read:

7 114.105 **Local regulation.** (2) Any county, town, city or village A political
 8 subdivision may adopt any ordinance in strict conformity with the provisions of this
 9 chapter and impose the same penalty for violation of any of its provisions except that
 10 such an ordinance shall under this subsection may not provide for the suspension or
 11 revocation of pilot or aircraft licenses or certificates and shall may not provide for
 12 imprisonment except for failure to pay any fine which may be imposed. (4) No local
 13 authority shall political subdivision may enact any ordinance governing aircraft or
 14 aeronautics or spacecraft or astronautics contrary to or inconsistent with the
 15 provisions of this chapter or federal law. (5) Every court in which a violation of such
 16 an ordinance under this section is prosecuted shall make a written report of any
 17 conviction (including bail or appearance money forfeiture) to the federal aviation
 18 administration.

History: 1983 a. 151; 2005 a. 335.

19 **SECTION 3.** 114.105 (1) of the statutes is created to read:

20 114.105 (1) In this section:

21 (a) "Drone" means a powered, aerial vehicle that does not carry a human
 22 operator, uses aerodynamic forces to provide vehicle lift, and can fly autonomously
 23 or be piloted remotely. A drone may be expendable or recoverable.

24 (b) "Political subdivision" means a city, village, town, or county.

1
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SECTION 4. 114.105 (3)^X of the statutes is created to read:

114.105 (3) A political subdivision[✓] may enact an ordinance designating areas under the jurisdiction of the political subdivision as areas over which a drone may not be operated.

(END)

d-note
↓

DNote

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3113/P1dn

EVM:*

date

JLd

ATTN: Sen. Richard Gudex✓

Please review the attached draft carefully to ensure that it is consistent with your intent. The following are several issues you may wish to consider in your review of this draft.

1. Current law prohibits, to a certain extent, flying in such a way as to interfere with the use of land. See s. 114.04, stats.✓
2. This draft creates a fairly broad authority for cities, villages, towns, and counties to prohibit the use of drones over designated areas. Do you want all of these types of local governmental units to have this authority? Do you want to limit this authority to certain locations? Do you want to allow a political subdivision to designate its entire territory as a no fly zone?✓
3. Do you want to provide further nuance related to the authority to prohibit operation? For example, recent legislation in California prohibited flying a drone less than 350 feet above ground level without permission from the land owner. Do you want a political subdivision to have authority to limit operation to a certain altitude? Other similar regulations that do not constitute a full prohibition?
4. I used the definition of drone from s. 941.292, stats. Does this definition meet your intent?
5. Do you want to specify the penalty that may be assessed for a violation of a no fly zone?
6. Do you want to require any special notice of no fly zones? It may be difficult for drone operators, particularly those from outside the area, to determine which properties are designated no fly zones.✓
7. It is possible that parts of this bill or some ordinances enacted under this bill could be federally preempted.

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible “/1” draft.

Eric V. Mueller
Legislative Attorney
(608) 261-7032
eric.mueller@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3113/P1dn
EVM:jld

September 16, 2015

ATTN: Sen. Richard Gudex

Please review the attached draft carefully to ensure that it is consistent with your intent. The following are several issues you may wish to consider in your review of this draft.

1. Current law prohibits, to a certain extent, flying in such a way as to interfere with the use of land. See s. 114.04, stats.
2. This draft creates a fairly broad authority for cities, villages, towns, and counties to prohibit the use of drones over designated areas. Do you want all of these types of local governmental units to have this authority? Do you want to limit this authority to certain locations? Do you want to allow a political subdivision to designate its entire territory as a no fly zone?
3. Do you want to provide further nuance related to the authority to prohibit operation? For example, recent legislation in California prohibited flying a drone less than 350 feet above ground level without permission from the land owner. Do you want a political subdivision to have authority to limit operation to a certain altitude? Other similar regulations that do not constitute a full prohibition?
4. I used the definition of drone from s. 941.292, stats. Does this definition meet your intent?
5. Do you want to specify the penalty that may be assessed for a violation of a no fly zone?
6. Do you want to require any special notice of no fly zones? It may be difficult for drone operators, particularly those from outside the area, to determine which properties are designated no fly zones.
7. It is possible that parts of this bill or some ordinances enacted under this bill could be federally preempted.

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible “/1” draft.

Eric V. Mueller
Legislative Attorney
(608) 261-7032
eric.mueller@legis.wisconsin.gov

Mueller, Eric

From: Burri, Lance
Sent: Friday, September 18, 2015 10:29 AM
To: Mueller, Eric
Subject: FW: drone draft

Couple other things, Eric. We want the state to also be able to declare a no drone zone; and we'll need exceptions for law enforcement and emergency management.

Thanks. Feel free to call and talk this stuff over if need be.

Lance Burri
Office of Sen. Rick Gudex
608-266-5300

From: Burri, Lance
Sent: Thursday, September 17, 2015 9:58 AM
To: Mueller, Eric <Eric.Mueller@legis.wisconsin.gov>
Subject: drone draft

Eric, I have a few answers to the questions in your drafter's not on lrb 3113/p1.

2. I don't know that we have to change from "any county town city or village" to "a political subdivision." I actually think I like it how it is. I do want the state to be able to do it, too. This originally stemmed from prison guards worrying about people delivering contraband to the prison yard via drone.

3. Yes. We want them to be able to create no fly zones to protect public safety. I realize that's a big generalization, but the idea is to let gov'ts create no fly zones to protect public safety.

In that sense, I think we'd also like to let them set some other kinds of rules. For example, altitude over a road. But the ordinance or rule would have to specifically state where the no fly zone is.

This also refers back to your point #1: 114.04 might already handle flying over a road if a drone can also be called an aircraft. But there's no penalty attached.

4. Yes.

5. Yes. I notice that trespass to land is a class b forfeiture. Should we put the penalty in that area? Or can we let locals provide their own penalties? We'd have to still have something in there for a state penalty, though, right?

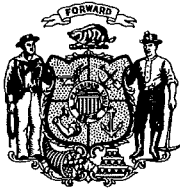
6. Yeah, we've got to have some kind of notice, although who even knows if the drone operator would ever be in position to see a sign? Did you see the story about somebody crashing a drone into the stands at the US Open? I was thinking a city might want a no fly zone over a high school football stadium, for example.

How about we require the gov't to maintain a list of no fly zones on their website, and to include it in whatever general communication they do with the public? Cities send out regular newsletters, for example.

7. That's fine.

Thanks. We can talk any of these through if need be.

Lance Burri
Office of Sen. Rick Gudex
608-266-5300



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-3113/P1
EVM:jld

P2

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

INSERT

due FRIDAY
9/25/15

X

Regen

1 AN ACT to renumber and amend 114.105; to amend 114.04; and to create
2 114.105 (1) and 114.105 (3) of the statutes; relating to: authority of political
3 subdivisions to designate areas in which ^{the operation of} unmanned aircraft may not be
4 operated is limited and providing a penalty

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

FE:L

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

5 SECTION 1. 114.04 of the statutes is amended to read:
6 114.04 Flying and landing, limitations. Subject to s. ss. 114.105 (3) and
7 175.55, and except as provided in s. 942.10, flight of or in aircraft or spacecraft over
8 the lands and waters of this state is lawful, unless at such a low altitude as to
9 interfere with the then existing use to which the land or water, or the space over the

1 land or water, is put by the owner, or unless so conducted as to be imminently
2 dangerous or damaging to persons or property lawfully on the land or water beneath.
3 The landing of an aircraft or spacecraft on the lands or waters of another, without
4 the person's consent, is unlawful, except in the case of a forced landing. For damages
5 caused by a forced landing, however, the owner or lessee of the aircraft or spacecraft
6 or the aeronaut or astronaut shall be liable, as provided in s. 114.05.

7 **SECTION 2.** 114.105 of the statutes is renumbered 114.105 (2) and amended to
8 read:

9 114.105 (2) ~~Any county, town, city or village~~ A political subdivision may adopt
10 any ordinance in strict conformity with the provisions of this chapter and impose the
11 same penalty for violation of any of its provisions except that ~~such an ordinance shall~~
12 under this subsection may not provide for the suspension or revocation of pilot or
13 aircraft licenses or certificates and shall may not provide for imprisonment except
14 for failure to pay any fine which may be imposed.

15 ~~(4) No local authority shall~~ political subdivision may enact any ordinance
16 governing aircraft or aeronautics or spacecraft or astronautics contrary to or
17 inconsistent with the provisions of this chapter or federal law.

18 ~~(5) Every court in which a violation of such an ordinance under this section is~~
19 ~~prosecuted shall make a written report of any conviction (, including bail or~~
20 ~~appearance money forfeiture), to the federal aviation administration.~~

21 **SECTION 3.** 114.105 (1) of the statutes is created to read:

22 114.105 (1) In this section:

23 (a) "Drone" means a powered, aerial vehicle that does not carry a human
24 operator, uses aerodynamic forces to provide vehicle lift, and can fly autonomously
25 or be piloted remotely. A drone may be expendable or recoverable.

1 (b) "Political subdivision" means a city, village, town, or county.

2 SECTION 4. 114.105 (3) of the statutes is created to read:

3 114.105 (3) A political subdivision may enact an ordinance designating areas
4 under the jurisdiction of the political subdivision as areas over which a drone may
5 not be operated. INS 315 ✓

6 (END)

(NO) (a) If a political subdivision determines that
public safety requires that drone operation
over an area under the jurisdiction of
the political subdivision be limited, subject
to par. (b) ✓, the (NO) (a)

2015-2016 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3113/P2ins
EVM:jld

1 INS 3-5

2

3 is limited and imposing limitations on the use of drones in the designated area.
4 Subject to par. (b), an ordinance under this section may prohibit any operation of a
5 drone in a designated area.

6 (b) An ordinance under par. (a) may not apply to the use of a drone by a public
7 safety agency, as defined in s. 256.35 (1) (g).

8 (c) If a political subdivision enacts an ordinance under par. (a), the political
9 subdivision shall provide notice reasonably calculated to inform the public of the
10 location of areas in which drone operation is limited. If the political subdivision
11 produces a newsletter for its residents, the political subdivision shall provide notice
12 of the areas affected by an ordinance under par. (a) in the newsletter. If the political
13 subdivision maintains an Internet site, the political subdivision shall maintain a list
14 of locations affected by an ordinance under par. (a) on the Internet site.

15 (d) A political subdivision may provide a forfeiture of not more than \$5,000 for
16 each violation of an ordinance under par. (a).



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-3113/P2

EVM:jld

+ ann

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

INSERT

SA

10/29/15

Regen.

1 **AN ACT** *to renumber and amend* 114.105; *to amend* 114.04; and *to create*
2 114.105 (1) and 114.105 (3) of the statutes; **relating to:** authority of political
3 subdivisions to designate areas in which the operation of unmanned aircraft is
4 limited and providing a penalty.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

For further information see the **local** fiscal estimate, which will be printed as an appendix to this bill.

INS-Analysis

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

5 **SECTION 1.** 114.04 of the statutes is amended to read:
6 **114.04 Flying and landing, limitations.** Subject to s. ss. 114.105 (3) and
7 175.55, and except as provided in s. 942.10, flight of or in aircraft or spacecraft over
8 the lands and waters of this state is lawful, unless at such a low altitude as to

SECTION 1

1 interfere with the then existing use to which the land or water, or the space over the
2 land or water, is put by the owner, or unless so conducted as to be imminently
3 dangerous or damaging to persons or property lawfully on the land or water beneath.
4 The landing of an aircraft or spacecraft on the lands or waters of another, without
5 the person's consent, is unlawful, except in the case of a forced landing. For damages
6 caused by a forced landing, however, the owner or lessee of the aircraft or spacecraft
7 or the aeronaut or astronaut shall be liable, as provided in s. 114.05.

8 **SECTION 2.** 114.105 of the statutes is renumbered 114.105 (2) and amended to
9 read:

10 114.105 (2) ~~Any county, town, city or village~~ A political subdivision may adopt
11 any ordinance in strict conformity with the provisions of this chapter and impose the
12 same penalty for violation of any of its provisions except that ~~such an ordinance shall~~
13 under this subsection may not provide for the suspension or revocation of pilot or
14 aircraft licenses or certificates and shall may not provide for imprisonment except
15 for failure to pay any fine which may be imposed.

16 (4) No local authority shall political subdivision may enact any ordinance
17 governing aircraft or aeronautics or spacecraft or astronautics contrary to or
18 inconsistent with the provisions of this chapter or federal law.

19 (5) Every court in which a violation of such an ordinance under this section is
20 prosecuted shall make a written report of any conviction (, including bail or
21 appearance money forfeiture), to the federal aviation administration.

22 **SECTION 3.** 114.105 (1) of the statutes is created to read:

23 114.105 (1) In this section:

1 (a) “Drone” means a powered, aerial vehicle that does not carry a human
2 operator, uses aerodynamic forces to provide vehicle lift, and can fly autonomously
3 or be piloted remotely. A drone may be expendable or recoverable.

4 (b) “Political subdivision” means a city, village, town, or county.

5 **SECTION 4.** 114.105 (3) of the statutes is created to read:

6 114.105 (3) (a) If a political subdivision determines that public safety requires
7 that drone operation over an area under the jurisdiction of the political subdivision
8 be limited, subject to par. (b), the political subdivision may enact an ordinance
9 designating the area as an area over which the operation of a drone is limited and
10 imposing limitations on the use of drones in the designated area. Subject to par. (b),
11 an ordinance under this section may prohibit any operation of a drone in a designated
12 area.

13 (b) An ordinance under par. (a) may not apply to the use of a drone by a public
14 safety agency, as defined in s. 256.35 (1) (g).

15 (c) If a political subdivision enacts an ordinance under par. (a), the political
16 subdivision shall provide notice reasonably calculated to inform the public of the
17 location of areas in which drone operation is limited. If the political subdivision
18 produces a newsletter for its residents, the political subdivision shall provide notice
19 of the areas affected by an ordinance under par. (a) in the newsletter. If the political
20 subdivision maintains an Internet site, the political subdivision shall maintain a list
21 of locations affected by an ordinance under par. (a) on the Internet site.

22 (d) A political subdivision may provide a forfeiture of not more than \$5,000 for
23 each violation of an ordinance under par. (a).

24 (END)

**2015-2016 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3113/lins
EVM/jld
amr

1 INS-Analysis

2

This bill authorizes a city, village, town, or county (political subdivision) to enact an ordinance designating an area within its jurisdiction as an area over which the operation of a drone is limited and imposing limitations on the use of drones in the designated area. The ordinance may prohibit any operation of a drone in a designated area, but may not apply to the use of a drone by a public safety agency. A political subdivision may provide a forfeiture of not more than \$5,000 for each violation of a drone operation ordinance.



2015 BILL

INS&ST

11/6/15

the operation of
drones over
state correctional
institutions, the

repeal

1 **AN ACT to renumber and amend 114.105; to amend 114.04; and to create**
2 114.105 (1) and 114.105 (3) of the statutes; **relating to:** authority of political
3 subdivisions to designate areas ^{over} in which the operation of unmanned aircraft is ^{drone}
4 limited and providing a penalty.

^{also}
Analysis by the Legislative Reference Bureau

This bill ^{also} authorizes a city, village, town, or county (political subdivision) to enact an ordinance designating an area within its jurisdiction as an area over which the operation of a drone is limited and imposing limitations on the use of drones in the designated area. The ordinance may prohibit any operation of a drone ^{over} in a designated area, but may not apply to the use of a drone by a public safety agency. A political subdivision may provide a forfeiture of not more than \$5,000 for each violation of a drone operation ordinance.

For further information see the **local** fiscal estimate, which will be printed as an appendix to this bill.

INS
Analysis

FE:SL

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

5 SECTION 1. 114.04 of the statutes is amended to read:

BILL

SECTION 1

strike

1 **114.04 Flying and landing, limitations.** Subject to ~~s.~~ ss. 114.105 (3) and
 2 175.55, and except as provided in ~~s.~~ ss. 114.045 and 942.10, flight of or in aircraft or spacecraft over
 3 the lands and waters of this state is lawful, unless at such a low altitude as to
 4 interfere with the then existing use to which the land or water, or the space over the
 5 land or water, is put by the owner, or unless so conducted as to be imminently
 6 dangerous or damaging to persons or property lawfully on the land or water beneath.
 7 The landing of an aircraft or spacecraft on the lands or waters of another, without
 8 the person's consent, is unlawful, except in the case of a forced landing. For damages
 9 caused by a forced landing, however, the owner or lessee of the aircraft or spacecraft
 10 or the aeronaut or astronaut shall be liable, as provided in s. 114.05.

*NS
2-10*

11 **SECTION 2.** 114.105 of the statutes is renumbered 114.105 (2) and amended to
 12 read:

13 114.105 (2) ~~Any county, town, city or village~~ A political subdivision may adopt
 14 any ordinance in strict conformity with the provisions of this chapter and impose the
 15 same penalty for violation of any of its provisions except that ~~such an~~ an ordinance shall
 16 under this subsection may not provide for the suspension or revocation of pilot or
 17 aircraft licenses or certificates and ~~shall~~ may not provide for imprisonment except
 18 for failure to pay any fine which may be imposed.

19 (4) ~~No local authority shall~~ political subdivision may enact any ordinance
 20 governing aircraft or aeronautics or spacecraft or astronautics contrary to or
 21 inconsistent with the provisions of this chapter or federal law.

22 (5) Every court in which a violation of ~~such an~~ an ordinance under this section is
 23 prosecuted shall make a written report of any conviction (, including bail or
 24 appearance money forfeiture), to the federal aviation administration.

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BILL

1 114.105 (1) In this section:

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3 operator, uses aerodynamic forces to provide vehicle lift, and can fly autonomously
4 or be piloted remotely. A drone may be expendable or recoverable.

5 (b) “Political subdivision” means a city, village, town, or county.

6 **SECTION 4.** 114.105 (3) of the statutes is created to read:

7 114.105 (3) (a) If a political subdivision determines that public safety requires
8 that drone operation over an area under the jurisdiction of the political subdivision
9 be limited, subject to par. (b), the political subdivision may enact an ordinance
10 designating the area as an area over which the operation of a drone is limited and
11 imposing limitations on the use of drones ^{over} in the designated area. Subject to par. (b),
12 an ordinance under this section may prohibit any operation of a drone ^{over} in a designated
13 area.

14 (b) An ordinance under par. (a) may not apply to the use of a drone by a public
15 safety agency, as defined in s. 256.35 (1) (g).

16 (c) If a political subdivision enacts an ordinance under par. (a), the political
17 subdivision shall provide notice reasonably calculated to inform the public of the
18 location of areas ^{over} in which drone operation is limited. If the political subdivision
19 produces a newsletter for its residents, the political subdivision shall provide notice
20 of the areas affected by an ordinance under par. (a) in the newsletter. If the political
21 subdivision maintains an Internet site, the political subdivision shall maintain a list
22 of locations affected by an ordinance under par. (a) on the Internet site.

23 (d) A political subdivision may provide a forfeiture of not more than \$5,000 for
24 each violation of an ordinance under par. (a).

25

(END)

2015-2016 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3113/2ins
EVM,jld&amn

SA ✓
Kref ✓

1 INS-Analysis

2

This bill prohibits the operation of drones over a state correctional institution. Any person who violates this prohibition may be required to forfeit not more than \$5,000.

3

4 INS 2-10

5

6 **SECTION 1.** 114.045 of the statutes is created to read:

7 **114.045 Limitation on the operation of drones.** (1) No person may operate
8 a drone, as defined in s. 114.105 (1) (a), over a state correctional institution, as
9 defined in s. 301.01 (4), including any grounds of ^{the} an institution.

10 (2) Any person who violates sub. (1) may be required to forfeit not more than
11 \$5,000.

Parisi, Lori

From: Smith, Shawn
Sent: Thursday, October 29, 2015 3:51 PM
To: LRB.Legal
Subject: RE: Draft review: LRB -3113/P2

Sarah,

If you could please hold off on the jacketing portion to 3113 that would be greatly appreciated. We need to make a tweak to it, and I would prefer to not have to create an amendment. Thanks!

Shawn

From: LRB.Legal
Sent: Thursday, October 29, 2015 2:34 PM
To: Smith, Shawn <Shawn.Smith@legis.wisconsin.gov>
Subject: RE: Draft review: LRB -3113/P2

Hi Shawn: I have forwarded your request for this draft and -3099 to be redrafted into introducible form. We will then jacket them. If you have any questions, please let me know.

Thanks,
Sarah

Sarah Basford
Senior Program Assistant
Legislative Reference Bureau
1 East Main St., Suite 200
Madison, WI 53703
(608) 266-3561

From: Smith, Shawn
Sent: Thursday, October 29, 2015 2:17 PM
To: LRB.Legal <lrblegal@legis.wisconsin.gov>
Subject: RE: Draft review: LRB -3113/P2

Good Afternoon!

Could we please receive that jacketing email for this proposal? Thanks!

Shawn Smith
Office of State Senator Rick Gudex
18th Senate District
(608) 266-5300
Shawn.Smith@legis.wisconsin.gov



STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

11/13

- reduce max penalty for and viol. to \$2500

- exception for use w/ consent of property owner



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-3113/2-3
EVM:jld&amn

SAV ✓

2015 BILL

INSERT

11/13/15

Regen ✓

1 AN ACT to renumber and amend 114.105; to amend 114.04; and to create
2 114.045, 114.105 (1) and 114.105 (3) of the statutes; relating to: the operation
3 of drones over state correctional institutions, the authority of political
4 subdivisions to designate areas over which the operation of drones is limited,
5 and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill prohibits the operation of drones over a state correctional institution. Any person who violates this prohibition may be required to forfeit not more than \$5,000.

This bill also authorizes a city, village, town, or county (political subdivision) to enact an ordinance designating an area within its jurisdiction as an area over which the operation of a drone is limited and imposing limitations on the use of drones over the designated area. The ordinance may prohibit any operation of a drone over a designated area, but may not apply to the use of a drone by a public safety agency. A political subdivision may provide a forfeiture of not more than \$5,000 for each violation of a drone operation ordinance.

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*
*

operation

operation

\$2,500

or with the consent of the owner of the property over which the drone is operated

BILL

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 114.04 of the statutes is amended to read:

2 **114.04 Flying and landing, limitations.** Subject to s. ss. 114.105 (3) and
3 175.55, and except as provided in s. ss. 114.045 and 942.10, flight of or in aircraft or
4 spacecraft over the lands and waters of this state is lawful, unless at such a low
5 altitude as to interfere with the then existing use to which the land or water, or the
6 space over the land or water, is put by the owner, or unless so conducted as to be
7 imminently dangerous or damaging to persons or property lawfully on the land or
8 water beneath. The landing of an aircraft or spacecraft on the lands or waters of
9 another, without the person's consent, is unlawful, except in the case of a forced
10 landing. For damages caused by a forced landing, however, the owner or lessee of the
11 aircraft or spacecraft or the aeronaut or astronaut shall be liable, as provided in s.
12 114.05.

13 **SECTION 2.** 114.045 of the statutes is created to read:

14 **114.045 Limitation on the operation of drones. (1)** No person may operate
15 a drone, as defined in s. 114.105 (1) (a), over a state correctional institution, as
16 defined in s. 301.01 (4), including any grounds of the institution.

17 **(2)** Any person who violates sub. (1) may be required to forfeit not more than
18 \$5,000.

19 **SECTION 3.** 114.105 of the statutes is renumbered 114.105 (2) and amended to
20 read:

BILL

1 114.105 (2) ~~Any county, town, city or village~~ A political subdivision may adopt
2 any ordinance in strict conformity with the provisions of this chapter and impose the
3 same penalty for violation of any of its provisions except that ~~such an ordinance shall~~
4 under this subsection may not provide for the suspension or revocation of pilot or
5 aircraft licenses or certificates and ~~shall~~ may not provide for imprisonment except
6 for failure to pay any fine which may be imposed.

7 ~~(4) No local authority shall~~ political subdivision may enact any ordinance
8 governing aircraft or aeronautics or spacecraft or astronautics contrary to or
9 inconsistent with the provisions of this chapter or federal law.

10 ~~(5) Every court in which a violation of such an ordinance~~ under this section is
11 prosecuted shall make a written report of any conviction ~~(, including bail or~~
12 appearance money forfeiture), to the federal aviation administration.

13 **SECTION 4.** 114.105 (1) of the statutes is created to read:

14 114.105 (1) In this section:

15 (a) “Drone” means a powered, aerial vehicle that does not carry a human
16 operator, uses aerodynamic forces to provide vehicle lift, and can fly autonomously
17 or be piloted remotely. A drone may be expendable or recoverable.

18 (b) “Political subdivision” means a city, village, town, or county.

19 **SECTION 5.** 114.105 (3) of the statutes is created to read:

20 114.105 (3) (a) If a political subdivision determines that public safety requires
21 that drone operation over an area under the jurisdiction of the political subdivision
22 be limited, subject to par. (b), the political subdivision may enact an ordinance
23 designating the area as an area over which the operation of a drone is limited and
24 imposing limitations on the ~~use~~ of drones over the designated area. Subject to par.

operation

BILL

1 (b), an ordinance under this section may prohibit any operation of a drone over a
2 designated area.

3 (b) An ordinance under par. (a) may not apply to ^{any of the following § 1.} the use of a drone by a public
4 safety agency, as defined in s. 256.35 (1) (g). _{operation}

INS
4-4

5 (c) If a political subdivision enacts an ordinance under par. (a), the political
6 subdivision shall provide notice reasonably calculated to inform the public of the
7 location of areas over which drone operation is limited. If the political subdivision
8 produces a newsletter for its residents, the political subdivision shall provide notice
9 of the areas affected by an ordinance under par. (a) in the newsletter. If the political
10 subdivision maintains an Internet site, the political subdivision shall maintain a list
11 of locations affected by an ordinance under par. (a) on the Internet site.

12 (d) A political subdivision may provide a forfeiture of not more than ^{\$2,500} \$5,000 for
13 each violation of an ordinance under par. (a).

(END)

**2015-2016 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3113/3ins
EVM:jld&amn

1 INS 4-4

2

3 2. The operation of a drone with the permission of the owner of the property
4 over which the drone is operated.

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

11/20

- at ^{8, 10} 4, 5 add state + state agencies

turn over images from Jones to DOC



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-3113/3
EVM:jld&amn

2015 BILL

INSERT

12/3/15

lx

Regen

1 AN ACT to renumber and amend 114.105; to amend 114.04; and to create
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5 and providing a penalty.

the operation of a drone

IAS Analysis ✓

Analysis by the Legislative Reference Bureau

This bill prohibits the operation of drones over a state correctional institution. Any person who violates this prohibition may be required to forfeit not more than \$5,000.

This bill also authorizes a city, village, town, or county (political subdivision) to enact an ordinance designating an area within its jurisdiction as an area over which the operation of a drone is limited and imposing limitations on the operation of drones over the designated area. The ordinance may not apply to the operation of a drone by a public safety agency or with the consent of the owner of the property over which the drone is operated. A political subdivision may provide a forfeiture of not more than \$2,500 for each violation of a drone operation ordinance.

the state, an agency of the state, or ✓

BILL

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

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4 spacecraft over the lands and waters of this state is lawful, unless at such a low
5 altitude as to interfere with the then existing use to which the land or water, or the
6 space over the land or water, is put by the owner, or unless so conducted as to be
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11 aircraft or spacecraft or the aeronaut or astronaut shall be liable, as provided in s.
12 114.05.

13 **SECTION 2.** 114.045 of the statutes is created to read:

14 **114.045 Limitation on the operation of drones.** (1) No person may operate
15 a drone, as defined in s. 114.105 (1) (a), over a state correctional institution, as
16 defined in s. 301.01 (4), including any grounds of the institution.

17 (2) Any person who violates sub. (1) may be required to forfeit not more than
18 \$5,000.

19 **SECTION 3.** 114.105 of the statutes is renumbered 114.105 (2) and amended to
20 read:

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BILL

1 114.105 (2) ~~Any county, town, city or village~~ A political subdivision may adopt
2 any ordinance in strict conformity with the provisions of this chapter and impose the
3 same penalty for violation of any of its provisions except that ~~such an ordinance shall~~
4 under this subsection may not provide for the suspension or revocation of pilot or
5 aircraft licenses or certificates and ~~shall~~ may not provide for imprisonment except
6 for failure to pay any fine which may be imposed.

7 (4) ~~No local authority shall~~ political subdivision may enact any ordinance
8 governing aircraft or aeronautics or spacecraft or astronautics contrary to or
9 inconsistent with the provisions of this chapter or federal law.

10 (5) Every court in which a violation of ~~such an ordinance~~ under this section is
11 prosecuted shall make a written report of any conviction (including bail or
12 appearance money forfeiture), to the federal aviation administration.

13 **SECTION 4.** 114.105 (1) of the statutes is created to read:

14 114.105 (1) In this section:

15 (a) “Drone” means a powered, aerial vehicle that does not carry a human
16 operator, uses aerodynamic forces to provide vehicle lift, and can fly autonomously
17 or be piloted remotely. A drone may be expendable or recoverable.

18 (b) “Political subdivision” means a city, village, town, or county.

19 **SECTION 5.** 114.105 (3) of the statutes is created to read:

20 114.105 (3) (a) If a political subdivision determines that public safety requires
21 that drone operation over an area under the jurisdiction of the political subdivision
22 be limited, subject to par. (b), the political subdivision may enact an ordinance
23 designating the area as an area over which the operation of a drone is limited and
24 imposing limitations on the operation of drones over the designated area. Subject

BILL

1 to par. (b), an ordinance under this section may prohibit any operation of a drone over
2 a designated area.

3 (b) An ordinance under par. (a) may not apply to any of the following:

4 1. The operation of a drone by a public safety agency, as defined in s. 256.35 (1)

5 (g). *the state, an agency of the state, or*

6 2. The operation of a drone with the permission of the owner of the property
7 over which the drone is operated.

8 (c) If a political subdivision enacts an ordinance under par. (a), the political
9 subdivision shall provide notice reasonably calculated to inform the public of the
10 location of areas over which drone operation is limited. If the political subdivision
11 produces a newsletter for its residents, the political subdivision shall provide notice
12 of the areas affected by an ordinance under par. (a) in the newsletter. If the political
13 subdivision maintains an Internet site, the political subdivision shall maintain a list
14 of locations affected by an ordinance under par. (a) on the Internet site.

15 (d) A political subdivision may provide a forfeiture of not more than \$2,500 for
16 each violation of an ordinance under par. (a).

17 (END)

2015-2016 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3113/4ins
EVM:jld&amn

1 INS-Analysis

2

NO
4 Also, a law enforcement officer *e* investigating an alleged violation of this provision is required to seize and transfer to the department of corrections any visual representation or data that represents a visual image that was created or recorded by a drone during the alleged violation. ✓

3

4 INS 2-18

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6

(B)
(3) A law enforcement officer *(B)* investigating an alleged violation of sub. (1) shall seize and transfer to the department of corrections ✓ any photograph, motion picture, other visual representation, or data that represents a visual image that was created or recorded by a drone during an alleged violation of sub. (1). ✓

7

8

9

Barman, Mike

From: Smith, Shawn
Sent: Thursday, December 03, 2015 9:53 AM
To: LRB.Legal
Subject: Draft Review: LRB -3113/4

Please Jacket LRB -3113/4 for the SENATE.



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-3113/4⁰²
EVM:jld&amn⁵

2015 BILL

12/14/15

Regen

✓

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3 of drones over state correctional institutions, the authority of political
4 subdivisions to designate areas over which the operation of drones is limited,
5 and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill prohibits the operation of drones over a state correctional institution. Any person who violates this prohibition may be required to forfeit not more than \$5,000. Also, a law enforcement officer investigating an alleged violation of this provision is required to seize and transfer to the Department of Corrections any visual representation or data that represents a visual image that was created or recorded by a drone during the alleged violation.

This bill also authorizes a city, village, town, or county (political subdivision) to enact an ordinance designating an area within its jurisdiction as an area over which the operation of a drone is limited and imposing limitations on the operation of drones over the designated area. The ordinance may not apply to the operation of a drone by the state, an agency of the state, or a public safety agency or the operation of a drone with the consent of the owner of the property over which the drone is operated. A political subdivision may provide a forfeiture of not more than \$2,500 for each violation of a drone operation ordinance.

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17 (2) Any person who violates sub. (1) may be required to forfeit not more than
18 \$5,000.

19 (3) A law enforcement officer investigating an alleged violation of sub. (1) shall
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BILL

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BILL

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20 (END)

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